

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-007916-003 DT

02/11/2013

HON. ROGER E. BRODMAN

CLERK OF THE COURT
E. Canas
Deputy

STATE OF ARIZONA

JASON KEER

v.

JOHN JAY CARGAL (003)
DOB: 10/09/1968

JEAN JACQUES CABOU

APO-SENTENCINGS-CCC
APPEALS-CCC
D & C MATERIALS-CSC
DISPOSITION CLERK-CSC
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

8:56 a.m.

Courtroom CCB 1301

State's Attorney:	Above-named counsel
Defendant's Attorney:	Above-named counsel
Defendant:	Present

Court Reporter, Lisa Bradley, is present.

Bench conference is held.

Defendant's Motion to Seal is pending in this matter.

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IT IS ORDERED granting and ordering sealing the Presentence Investigation and Exhibit "A" attachment, not to be opened without prior order of the Court.

Defendant's Notice of Objection to Presentence Investigation Report is argued.

IT IS ORDERED denying the Defendant's Notice of Objection to Presentence Investigation Pursuant to Arizona Rule of Criminal Procedure 26.8(a).

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 As Amended Computer Tampering
Class 4 felony
A.R.S. § 13-1001, 2301, 2316(A), 701, 702, 801
Date of Offense: 07/01/2010
Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 1 Probation Term: 3 years

To begin 02/11/2013.

IT IS ORDERED that probation in 1 shall run concurrent with probation in CR2011-007951-001.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

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RESTITUTION: Count 1 - \$9,000 payable \$200.00 per month, beginning 03/01/2013, to the following persons:

Shelva Ezell (Individual) \$9,000.00

IT IS ORDERED that restitution be paid jointly and severally with Ryan Angeles, Adam Arnold, and Jason Woolridge in case number(s) CR2011-007916-001, 002, 004.

Restitution ledger provided; priority of payment as stated in the restitution ledger.

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning 03/01/2013.

FINE: Count 1 - Total amount of \$18,400.00, which includes surcharges of 84%, payable \$200.00 per month beginning 03/01/2013.

Fine is to be paid to the Arizona Drug Enforcement Fund.

PROBATION SURCHARGE: Count 1 - \$20.00 payable on 03/01/2013.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 03/01/2013.

All amounts payable through the Clerk of the Superior Court.

Condition 17 - Count 1: Complete a total of 100 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 18 - Count 1: Be incarcerated in the county jail for 39 day(s), beginning 02/11/2013 with credit for 39 day(s) served.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

White Collar

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Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Allegation of multiple dates of offense. MCAO agrees not to bring any further charges of: Theft (of any kind), Fraud (of any kind), Fraudulent Schemes (of any kind), Illegal Control of Enterprise (of any kind), Racketeering (of any kind), Money Laundering (of any kind), Computer Tampering (of any kind), Forgery (of any kind), or Conspiracy (relating to any of the above-referenced offenses), against Defendant arising out of or relating to the investigation and alleged conduct described in Scottsdale Police Department Report #11-20434, 11-08286, 11-22573, and 11-17034 and all supplements. It is the intent of the Maricopa County Attorney's Office and the Defendant to, through these pleas, conclude the investigation and prosecution of Mr. Cargal for the alleged conduct described in Scottsdale Police Department Report #11-20434, 11-08286, 11-22573, and 11-17034 and all supplements.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

Sealed: Presentence Investigation Report

9:25 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. ROGER E. BRODMAN
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)